

Serial No. 09/660,027

Remarks

Claims 1-22 were pending in the application. Claims 1-7 and 9-22 are hereby canceled, without prejudice. Therefore, claim 8 remains pending in the application.

The Office Action states that information disclosure statement filed 10/15/2001 failed to comply with 37 C.F.R. 1.98(a)(1), which requires a list of all patents, publications or other information submitted for consideration by the Office. Apparently the Office Action was not happy with the listing of the European Search Report. Applicant notes that the "X" references listed in the European Search Report were separately listed in the information disclosure statement and were submitted for consideration. The European Search Report as a whole was submitted to provide the report itself to the PTO, not the references listed therein, with the exception of the "X" references, which as has been noted were separately submitted. Applicant believes that there is no need to submit the "A" references, which were indicated by the European searcher to be merely technological background. Therefore, the information disclosure statement filed 10/15/2001 was proper and should be considered by the PTO.

Applicants' representative notes that he has been submitting information disclosure statements with the same type of content for about 8 years, and this is the first time a rejection was ever received. Applicants' representative further notes that he believes this type of information disclosure statement to be a good balance between providing the PTO with the relevant art without burying it in a mass of references that are not really relevant but are simply submitted for the sake of "completeness" by providing everything that is known. Should the Examiner choose to review the "A" references, that is of course his prerogative. However, based on the rating by the European searcher, applicant does not believe this to be necessary.

In the even that this is the sole issue preventing allowance of this application, applicant respectfully requests that the Examiner telephone his undersigned representative to resolve the issue expediently.

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Claim 8 was indicated to be allowable if rewritten in independent form, which it has been. Therefore, claim 8 is now allowable.

With all the other claims having been canceled, any other grounds of rejection are now moot.

**Conclusion**

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicant's attorney so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the **Lucent Technologies Deposit Account No. 12-2325**.

Respectfully,

William J. Rowe

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